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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,778	12/02/2003	Hiroi Kazushige	501.42868X00	1915
24956 7590 09/03/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER VU, THANH T				
ART UNIT 2175		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,778

Applicant(s)

KAZUSHIGE ET AL.

Examiner

THANH T. VU

Art Unit

2175

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-13, 15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3-4, 7-13, 15, and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to Amendment, filed 06/26/2008.

Claims 2, 3-4, 7-13, 15, and 17-19 are pending in this application. In the Amendment, claims 1, 5-6, 14, 16, and 20-21 were cancelled, and claims 3, 13, and 15 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. ("Lugwig", U.S. Pat. No. 7,185,054) and Nielsen et al. ("Nielsen" US Pat. No. 6,437,758).

Per claim 13, Lugwig teaches a communication system comprising
a network (fig. 1; WAN, MLAN; col. 6, lines 1-7); and

at least two terminal units connected thereto, wherein each terminal unit comprises (fig. 1; WAN, MLAN; col. 6, lines 1-7):

session controlling means for controlling a session for enabling transmission/receiving of voice, image, and handwritten data to/from a remote terminal unit individually (col. 6, lines 28-39; *bidirectional communication of audio and video data*; col. 19, lines 11-18 and col. 36, lines 50-56; *share button to share a snap shot image*; col. 36, lines 58-63; *annotate the image, see figs. 37 and 40*);

display means for displaying said image and said handwritten data (figs. 37 and 40; *handwritten data 222, 250 and 251*),

wherein said image data and said handwritten data are overlapped and displayed on a display of said display means (fig. 37; col. 37, line 10-12; *handwritten data and image 220 data are overlapped on the display*).

wherein the terminal further comprises: an image data transmission controlling means for controlling transmission of image data (col. 26, lines 24-60; *a participant can share snapshot of image data by selecting SHARE button*); and an image data receiving controlling means for controlling receiving of image data (col. 26, 24-60; *other participants are considers as receiving side of the snapshot image data*) wherein each of the image data transmission controlling means and the image data receiving controlling means selects a name or contents of the basic image data to transmit/receive the selected one to/from the remote terminal unit (col. 26, lines 24-42; col. 27, lines 13-35; *sharing of image data between participants by selecting a portion of a screen (i.e. selecting content of the basic image)*);

wherein the session controlling means comprise means for starting and ending voice communication, image communication and handwritten data communication independently, and wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured (fig. 2B, 37, 39, and 40; col. 27, lines col. 27, lines 17-30; col. 30, lines 4-25; col. 38, lines 1-18).

Ludwig does not specifically teach wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured to make at least one of the image communication, handwritten data communication, and voice communication at high quality, and end other communications even when a throughput of the terminal unit or a number of communication bands is insufficient. Nielson teaches configuring to make at least one of communications at high quality, and end other communications even when a throughput of the terminal unit or a number of communication bands is insufficient (col. 11, lines 28-32, and lines 47-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Nielson in the invention of Ludwig in order to provide a way for the computer to altering bandwidth allocated to information data of interest that are shared between users.

Claims 2-4, 7-12, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig and Ohkado (U.S. Pat. No. 6,542,165), and Nielsen et al. ("Nielsen" US Pat. No. 6,437,758).

Per claim 3, Ludwig teaches a communication system comprising:
a network (fig. 1; WAN, MLAN; col. 6, lines 1-7); and

at least two terminal units connected thereto, wherein each terminal unit comprises (fig. 1; WAN, MLAN; col. 6, lines 1-7):

session controlling means for controlling a session for enabling transmission/receiving of voice, image, and handwritten data to/from a remote terminal unit individually (col. 6, lines 28-39; *bidirectional communication of audio and video data*; col. 19, lines 11-18 and col. 36, lines 50-56; *share button to share a snap shot image*; col. 36, lines 58-63; *annotate the image, see figs. 37 and 40*);

display means for displaying said image and said handwritten data (figs. 37 and 40; *handwritten data 222, 250 and 251*),

wherein said image data and said handwritten data are overlapped and displayed on a display of said display means (fig. 37; col. 37, line 10-12; *handwritten data and image 220 data are overlapped on the display*).

wherein the session controlling means comprise means for starting and ending voice communication, image communication and handwritten data communication independently, and wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured (fig. 2B, 37, 39, and 40; col. 27, lines col. 27, lines 17-30; col. 30, lines 4-25; col. 38, lines 1-18)

Ludwig does not teach wherein the terminal unit further comprises: an image/handwritten data managing means for managing image/handwritten data, wherein the image/handwritten data managing means has a plurality of planes, and wherein the managing means displays basic image data on one of the plurality of planes, the one of the plurality of planes being an image data plane, and displays handwritten data currently handled in communication on a different plane,

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the different plane being a handwritten data plane, so that image and handwritten data are displayed so as to overlap each other by putting the different planes in layers, and wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured to make at least one of the image communication, handwritten data communication, and voice communication at high quality, and end other communications even when a through-put of the terminal unit or a number of communication bands is insufficient. However, Ohkado teaches an image/handwritten data managing means for managing image/handwritten data, wherein the image/handwritten data managing means has a plurality of planes (fig. 5; *transparent window and subject application*), and wherein the managing means displays basic image data on one of the plurality of planes, the one of the plurality of planes being an image data plane (fig. 5; *subject application (ie. an image data plane)*), and displays handwritten data currently handled in communication on a different plane, the different plane being a handwritten data plane (fig. 5; *transparent window (i.e. a handwritten data plane)*), so that image and handwritten data are displayed so as to overlap each other by putting the different planes in layers (fig. 5; col. 3, lines 4-11; *overlapping of transparent window and the application window*). Nielson teaches configuring to make at least one of communications at high quality, and end other communications even when a through-put of the terminal unit or a number of communication bands is insufficient (col. 11, lines 28-32, and lines 47-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include annotation window as taught by Ohkado, and bandwidth allocation as taught by Nielsen in the invention of Ludwig in order to provide a collaboration system having an application window to share among participants and a transparent window, and transmitting only

data on the transparent window, such as graphical image drawn to participants. Thus, this would provide a collaboration system, which reduces unnecessary determination logics to enable a high speed processing; and in order to provide a way for the computer to altering bandwidth allocated to information data of interest that are shared between users.

Per claim 2, the modified Ludwig teaches the communication system according to claim 3, wherein transmission/receiving of voice data is capable while said image data and/or handwritten data are displayed (Ludwig, fig. 37; col. 37, lines 10-27; *accepting calls while image data and/or handwritten data are displayed*).

Per claim 4, the modified Ludwig teaches the communication system according to claim 3, wherein in the terminal unit the image/handwritten data managing means, when having transmitted/received image data, adjusts sizes of the image data plane and the handwritten data plane to the size of the transmitted/received image data (Ludwig, col. 26, lines 24-42 and col. 27, lines 13-22; *a user can adjust sizes of the image data and handwritten data by selecting a smaller or larger portion of a displayed screen to share*.)

Per claim 7, the modified Ludwig teaches the communication system according to claim 3, wherein the terminal unit further comprises:

erasing/information transmitting means for erasing image and handwritten data from the display means through the image/handwritten data managing means and transmitting erasure information to the remote terminal unit (Ludwig, col. 26, lines 31-42 and col. 27, lines 3-12; *a user can erase by a participant and transmit new erased image to other participants*), wherein in the terminal unit the erasing/information transmitting means can select either image or handwritten data or both of image and handwritten data as an object to be erased and erase a

selected object from the display means (Ludwig, col. 27, lines 3-12; *restoring of original image by erasing all annotation (handwritten data)*).

Per claim 8, the modified Ludwig teaches the communication system according to claim 3, wherein the terminal unit further comprises: an erasing/information receiving means for erasing image and handwritten data from the display means through the image/handwritten data managing means according to the erasure information from the remote terminal unit (Ludwig, col. 26, lines 31-42 and col. 27, lines 3-12 and lines 31-37; *allowing sharing of information between participants*) wherein in the terminal unit, the erasing/information transmitting means notifies the remote terminal unit of completion of the object erasure in return for the erasure information so that the remote terminal erases the object from its display means according to the notice (Ludwig, col. 16, lines 24-42 and col. 27, lines 13-30; *when content of an existing window is replaced with a modified image by one participant, this modified image would replace (erase) the content of the image on other's participant share window because the share window is shared among the participant. The examiner considers the replacement as a notice to replace (erase) of the content of an existing window*).

Per claim 9, the modified Ludwig the communication system according to claim 7, wherein the terminal unit further comprises: an erasing/information receiving means for erasing image and handwritten data from the display means through the image/handwritten data managing means according to the erasure information from the remote terminal unit (Ludwig, col. 26, lines 31-42 and col. 27, lines 3-12 and lines 31-37; *allowing sharing of information between participants*), wherein in the terminal unit the erasing/information transmitting means notifies the remote terminal unit of completion of the object erasure so that the remote terminal

erases the object from its display means according to the notice (Ludwig, col. 16, lines 24-42 and col. 27, lines 13-30; *when content of an existing window is replaced with a modified image by one participant, this modified image would replace (erase) the content of the image on other's participant share window because the share window is shared among the participant. The examiner considers the replacement as a notice to replace (erase) of the content of an existing window*).

Per claim 10, the modified Ludwig teaches the communication system according to claim 3, wherein the terminal unit further comprises: storing means for storing data to be processed by the self terminal unit, wherein the storing means can select either image or handwritten data or both of image and handwritten data as an object to be stored and stores the selected object in a storage means (Ludwig, fig 28; col. 27, lines 3-12; *storing of original bit map and the original bit map with annotation (handwritten data)*).

Per claim 11, the modified Ludwig teaches the communication system according to claim 11, wherein in the terminal said session controlling means, when starting and ending image and/or handwritten data communication, can transmit/receive image and/or handwritten data from/to the remote terminal unit registered beforehand without requiring the permission of the receiving-side user (Ludwig, col. 21, lines 4-16; *registering of the collaborative services*; col. 24, lines 43-55; *adding (registering) of other participants*; col. 26, lines 44-60; *sharing mode is initiated without permission from the receiving-side*).

Per claim 12, the modified Ludwig teaches the communication system according to claim 11, wherein in the terminal unit the session controlling means, when starting and ending a voice session, receives voice data from the remote terminal unit registered beforehand without

requiring permission of the receiving-side user (Ludwig, col. 22, lines 31-34; *In “intercom Mode”, the all incoming calls are accepted automatically. Therefore, no permission form the receiving-side is needed*).

Per claim 17, the modified Ludwig teaches the communication system according to claim 3, wherein the terminal unit further comprises: a handwritten data controlling means for controlling transmission/receiving of handwritten data (col. 26, lines 61-67; *sending of annotation data (handwritten data)*), wherein said handwritten data controlling means collects a sampled handwritten data in a chunk at the predetermined number of sampling times to transmit/receive the chunk of sampled handwritten data (col. 26, lines 31-34 and lines 62-67; *in Ludwig, annotation (handwritten) data sample from one participant will appear virtually simultaneously on the screens of all other participants. In order to achieve this result, the system of Ludwig must send the sampled handwritten data at a frequent interval from one user to other participants. The examiner considers the frequent interval to be “the predetermined number of sampling times”*.)

wherein in the terminal the handwritten data controlling means denotes whether or not a notice is received at each chunk of data alternately between the two subject terminal units (col. 26, lines 61-67; *each participant can annotate the image alternately, which actions and results are displayed (received) on the screen of each participants*).

Per claim 18, the modified Ludwig teaches the communication system according to claim 17, wherein in the terminal the handwritten data controlling means permits of editing of handwritten data on the handwritten data plane while prohibited editing of image data on the image data plane (Ludwig, fig. 28; col. 3-12; *annotation is only allowed on second bitmap image*

and the original image is kept unchanged (or prohibit of editing); Ohkado, fig 5; annotation is only applied to the transparent window (handwritten data plane)).

Per claim 19, the modified Ludwig teaches the communication system according to claim 3, wherein each terminal unit further comprises: a display controlling means for displaying image and handwritten data on the display means according to instructions received from the image/handwritten data managing means (Ludwig, fig. 37; col. 26, lines 61-67; *action and result of annotation data are received and displayed on the screens of all participants*), wherein the display controlling means prepares the coordinate systems for both the basic image data and handwritten data, enables a position pointed by handwritten data to be exchanged between two terminal units (Ludwig, col. 26, lines 65-67; *tracking mouse movements and sending the information between participants*), wherein in the terminal the display controlling means enable to automatically scroll both of the image data and the handwritten data to display both of the data on the display means of the remote terminal unit if the position pointed by the handwritten data might not be displayed on the display means of the one terminal unit (Ludwig, figs. 36, 37 and 40; *share window 210 and 221 with scroll control allows information cannot display entirely in share window to display*).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig and Hwang et al. (U.S. Pat. No. 6,624,827), and Nielsen et al. ("Nielsen" US Pat. No. 6,437,758).

Per claim 15, Ludwig teaches a communication system comprising:

a network (fig. 1; WAN, MLAN; col. 6, lines 1-7); and

at least two terminal units connected thereto, wherein each terminal unit comprises (fig. 1; WAN, MLAN; col. 6, lines 1-7):

session controlling means for controlling a session for enabling transmission/receiving of voice, image, and handwritten data to/from a remote terminal unit individually (col. 6, lines 28-39; *bidirectional communication of audio and video data*; col. 19, lines 11-18 and col. 36, lines 50-56; *share button to share a snap shot image*; col. 36, lines 58-63; *annotate the image, see figs. 37 and 40*);

display means for displaying said image and said handwritten data (figs. 37 and 40; *handwritten data 222, 250 and 251*),

wherein said image data and said handwritten data are overlapped and displayed on a display of said display means (fig. 37; col. 37, line 10-12; *handwritten data and image 220 data are overlapped on the display*).

wherein the session controlling means comprise means for starting and ending voice communication, image communication and handwritten data communication independently, and wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured (fig. 2B, 37, 39, and 40; col. 27, lines col. 27, lines 17-30; col. 30, lines 4-25; col. 38, lines 1-18)

Ludwig does not teach a handwritten data inputting means for obtaining handwritten data inputted by a user, wherein the handwritten data inputting means, by one of two terminal units start of transmitting/receiving handwritten data to/from the other, start effecting exclusive control so that one terminal unit is allowed to input/transmit handwritten data in contrast to the other terminal unit that is not allowed to input/transmit handwritten data, and

wherein said means for starting and ending voice communication, image communication and handwritten data communication independently is configured to make at least one of the

image communication, handwritten data communication, and voice communication at high quality, and end other communications even when a through-put of the terminal unit or a number of communication bands is insufficient. However, Hwang teaches a handwritten data inputting means for obtaining handwritten data inputted by a user, wherein the handwritten data inputting means, by one of two terminal units start of transmitting/receiving handwritten data to/from the other, start effecting exclusive control so that one terminal unit is allowed to input/transmit handwritten data in contrast to the other terminal unit that is not allowed to input/transmit handwritten data (figs. 5-6; col. 1, lines 60-67; *lock request for exclusive control of whiteboard*). Nielson teaches configuring to make at least one of communications at high quality, and end other communications even when a through-put of the terminal unit or a number of communication bands is insufficient (col. 11, lines 28-32, and lines 47-60) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a lock control as taught by Hwang, and bandwidth allocation as taught by Nielson in the invention of Ludwig in order to effectively lock or prohibit the access to the designated object on share information by allowing only a conference participant having a priority over the designated object to access the designated object, and in order to in order to provide a way for the computer to altering bandwidth allocated to information data of interest that are shared between users.

Response to Arguments

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/
Primary Examiner, Art Unit 2175